



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,920	09/23/2004	Bae Yun-Ki	31758-207631	8301
26694	7590	02/15/2007	EXAMINER	
VENABLE LLP			VANAMAN, FRANK BENNETT	
P.O. BOX 34385			ART UNIT	
WASHINGTON, DC 20043-9998			PAPER NUMBER	
			3618	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/508,920

Applicant(s)

YUN-KI, BAE

Examiner

Frank Vanaman

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Dec. 22, 2006 has been entered.

Claim Status

2. Claims 1-4 remain pending, claims 1 and 4 having been amended.

Drawings

3. The proposed drawing correction, filed Dec. 22, 2006 has not been approved. The proposed new figure 5 includes what is asserted to be a binding plate as well as bindings. The provision of a binding plate separate from the bindings is not supported by the original specification and drawings as filed.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the permanent magnet and induction coil being detachably disposed in the interior of the binding must be shown or the feature(s) canceled from the claim(s). Applicant's proposed figure 5 is noted, however this figure does not illustrate a detachable disposition of a permanent magnet and induction coil in an interior of the binding. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The amendment filed Dec. 22, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The amendment introduces a further element, a binding plate, as referred to in the amendments to page 3, lines 12-19, page 4, lines 8-9 and 12-16. The original disclosure makes no mention of a binding plate separate from the bindings. The original drawings do not specifically show an element which can be clearly identified as a plate absent any further mention of such a feature.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

6. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites that the permanent magnet and induction coil are detachably disposed in the interior of the binding. The specification as filed does not describe this arrangement or feature to the extent that one of ordinary skill would be able to understand, make or use this arrangement. At page 2, lines 12-13, of the specification as originally filed, the only apparent reference to this limitations states: "...wherein the permanent magnet and the induction coil are detachable in the interior of the binding or to a rear surface of the same." The drawings as originally filed do not illustrate this feature in any way. This description, however, is not sufficient to enable one of ordinary skill to understand or make the invention in that no actual arrangement is disclosed: the specification and drawings do not describe a binding which can be modified to accept a magnet and coil in addition to the operative elements necessarily required in a binding device, nor do the specification and drawings describe how one might construct a binding having the commonly required binding mechanism as well as a magnet and induction coil.

Claims not rejected over the Prior Art

8. Claims 1-4 are not rejected as being unpatentable over or anticipated by the prior art, however they are not in condition for allowance in view of the rejections under 35 USC 112, first paragraph.

Response to Comments

9. Applicant's comments, filed with the amendment, have been carefully considered. As regards the drawings, the examiner notes that the original figure 1 shows a construction referred to by reference numeral 20, which was described in the specification as being bindings. No plate is mentioned, and in view of a lack of disclosure, no further characterization of the lines between the front and rear extents of the bindings can be made. The examiner notes that bindings may or may not be provided with plates, and when a binding is not specifically germane to the invention, may be illustrated by a schematic box. There is insufficient detail in the original specification, including the original drawings, to support the notion that a binding plate is

provided. Applicant's comments concerning the exemplary drawing are noted but are not persuasive. Firstly, these comments are based on material that was not present in the application as filed, and as such, material which does not constitute a part of the specification. Note that 35 USC 112, first paragraph requires that: "The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention."

Secondly, the comments filed in association with the exemplary drawing (page 10 of the amendment papers) appear to be speculation, e.g., the binding which can somehow be opened or closed to allow exposing of the rotation wing; and are not actually based on the disclosure as filed. Applicant has not pointed to a binding structure, as disclosed in the application, that can allow such possible opening or closing, nor has applicant pointed to a binding structure as disclosed in the application, that can accommodate a rotary permanent magnet and induction coils assembly therein. If the application as filed is asserted to support the claims as currently written, then it is not clear why applicant relies on (1) "exemplary" drawings which were not part of the application as filed or (2) a speculative description which was also not part of the application as filed.

The assertion that one of ordinary skill would understand or be able to make the claimed invention based on applicant's disclosure does not appear to take into account that such a modification of an existing binding or the design of an entirely new binding (neither modification nor new design being actually disclosed in the specification) to accommodate such an arrangement would require non-trivial quantities of research, design and experimentation.

Conclusion

10. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Art Unit: 3618

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,

Or faxed to:

PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

Handwritten signature of F. Vanaman, dated 2/8/07.



U.S. Patent Application Bay Yun-Ki
Appl. No. 10/508,920
Docket No. 31758-207631
NEW SHEET
Sheet 1

NOT
APPROVED
FBV
2/8/07

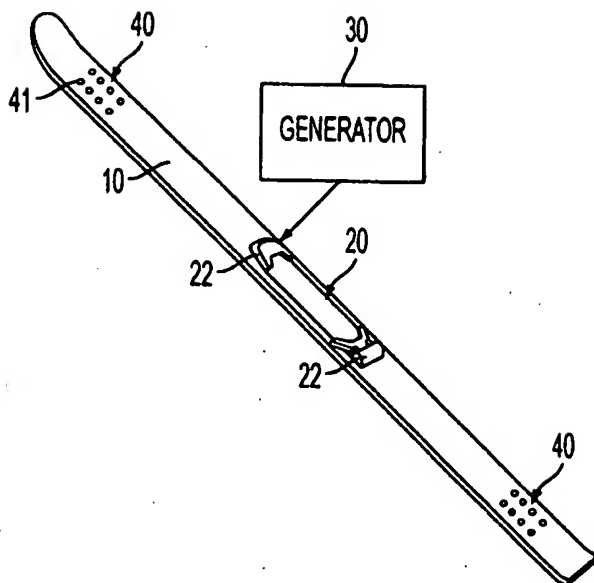


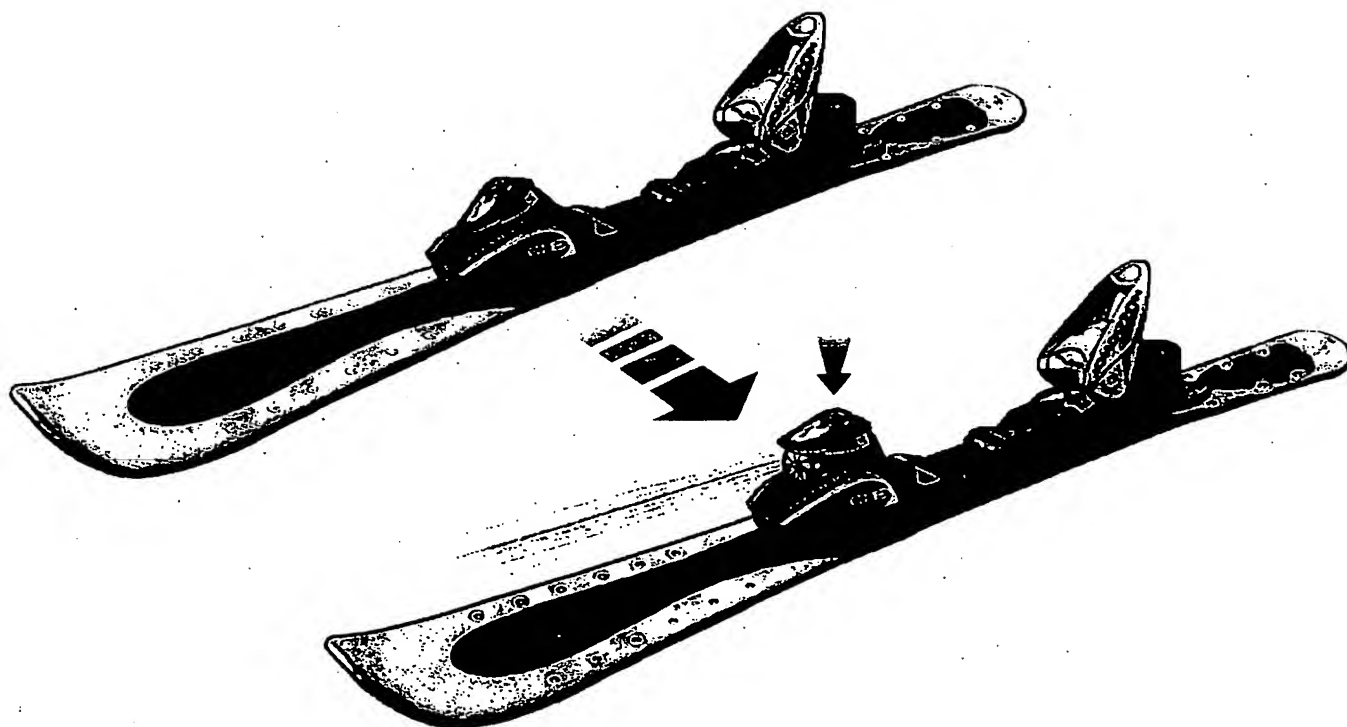
FIG. 5



Exemplary Drawing

U.S. Patent Application Bay Yun-Ki
Appln. No. 10/508,920
Docket No. 31758-207631
EXEMPLARY SHEET
Sheet 1

NOT PART OF
APPLICATION
DRAWINGS



10/508,920